United Nations

A/HRC/33/22

General Assembly

Distr.: General
1 July 2016

Original: English

Human Rights Council
Thirty-third session
Agenda items 2 and 3
Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Strengthening policies and programmes for universal birth registration and vital statistics development

Report of the High Commissioner for Human Rights

Summary

The present report is submitted pursuant to Human Rights Council resolution 28/13, in which the Council requested the United Nations High Commissioner for Human Rights to prepare a report on efforts made with regard to strengthening existing policies and programmes aimed at universal birth registration and vital statistics development. The report provides a summary of international legal obligations and implementation status, followed by an overview of key considerations in relation to human rights-based monitoring and implementation. It then takes stock of relevant activities undertaken by the Office of the United Nations High Commissioner for Human Rights and partners to strengthen universal birth registration and vital statistics.

GE.16-11318(E)

1611318

Please recycle

Contents

		Page
I.	Introduction	3
II.	Birth registration and vital statistics development	4
	A. International legal obligations	4
	B. Implementation progress	5
III.	A human rights approach to monitoring and implementation of obligations	6
	A. Challenges to implementation	6
	B. Priorities to support universal registration	8
	C. Role of birth registration and vital statistics in the implementation of the Sustainable Development Goals	9
	D. Leaving no one behind: a human rights-based approach to monitoring	11
IV.	Stock-taking of relevant activities undertaken by the Office of the United Nations High Commissioner for Human Rights and partners	13
	A. Global guidelines on a human rights-based approach to data and monitoring	13
	B. Contributions to Sustainable Development Goals, targets and indicators	14
	C. Partnership activities	16
V.	Conclusions and recommendations	17

I. Introduction

1. In its resolution 28/13, the Human Rights Council requested the United Nations High Commissioner for Human Rights to prepare a report on efforts made with regard to strengthening existing policies and programmes aimed at universal birth registration and vital statistics development, including to ensure that they were based on international standards, taking into account best practices, and were implemented in accordance with relevant international human rights obligations, and to submit it to the Human Rights Council at its thirty-third session. That resolution built on Council resolution 22/7, in which it requested the Office of the United Nations High Commissioner for Human Rights (OHCHR) to prepare a report on the legal, administrative, economic, physical and any other barriers to access to universal birth registration and possession of documentary proof of birth, as well as on good practices adopted by States in that regard.[1]

2. Pursuant to Human Rights Council resolution 28/13, the present report provides a summary of relevant international obligations and implementation status, followed by an overview of key considerations in relation to human rights-based monitoring and implementation, including in relation to the 2030 Agenda for Sustainable Development. It then provides a stocktaking of the activities undertaken by OHCHR and partners to strengthen policies and programmes aimed at universal birth registration and vital statistics development.

3. Birth registration and the right of everyone to recognition as a person before the law are recognized as fundamental human rights, on the basis of the Universal Declaration of Human Rights, and as elaborated across a number of conventions and other relevant international instruments. As birth registration establishes the recognition of a person before the law, the registration of all children immediately after birth is fundamental to the protection and realization of all human rights. When children are not registered at birth, they are at risk of being deprived of other rights throughout their lives, including the right to citizenship, health, education and social welfare. Children who are not registered at birth also face increased vulnerability to marginalization, exclusion, discrimination, violence, statelessness, exploitation and abuse, including in the form of child labour, trafficking and child marriage. Moreover, the sound management of well-functioning civil registration and vital statistics systems is an important contributor to accountability and good governance within the State.

4. States must undertake due efforts to fulfil their obligation to ensure universal birth registration as part of well-functioning civil registration systems. Progress in this regard has been uneven, with evidence of substantial gaps in civil registration rates within and between countries. States must ensure that civil registration systems and vital statistics reflect the situation of all members of the population, regardless of their race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status. Special measures are needed to ensure birth registration, proof of identity and vital statistics for people living in situations of emergency and other vulnerable situations.

[1] That report was issued as document A/HRC/27/22.

II. Birth registration and vital statistics development

A. International legal obligations

5. As stated in article 6 of the Universal Declaration of Human Rights, everyone has the right to recognition everywhere as a person before the law. As the first step to establishing the recognition of a person before the law, birth registration is the principal foundation for the fulfilment of this right, and of the rights to which all persons are entitled throughout their lives. Birth registration is a fundamental right recognized in article 24 of the International Covenant on Civil and Political Rights, which states that every child shall be registered immediately after birth. The Human Rights Committee has specified the link between that article and the provision on the right to special measures of protection, and that the main purpose of birth registration is "to reduce the danger of abduction, sale of or traffic in children, or of other types of treatment that are incompatible with the enjoyment of the rights provided for in the Covenant."[1]

6. Birth registration is also recognized as a right under article 7 of the Convention on the Rights of the Child, which provides that, in addition to their right to be registered immediately after birth, all children have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by their parents. In accordance with the general principle of non-discrimination contained in the Convention, States must fulfil the right to birth registration without discrimination of any kind, including on the basis of the child's or his or her guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status. All children should have access to birth registration in the country where they are born, including non-nationals, asylum seekers, refugees and stateless children.[2] As per article 8, when a child is illegally deprived of some or all of the elements of his or her identity, States parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.

7. The importance of birth registration and the impact of non-registration on the enjoyment of the rights of the child are acknowledged by the Committee on the Rights of the Child by way of general comments (see A/HRC/27/22). Lack of registration and a birth certificate heightens the risk for a child later in life of entering into early marriage, or into the labour market or the armed forces before the legal age. As per the Committee's general comment No. 7, children lacking a birth certificate and related identity documents are also at risk of being denied their other basic rights, including the rights to health, education and social welfare services. The Committee recommends that States take all necessary measures to ensure that all children are registered at birth through a universal, well-managed registration system that is accessible to all and free of charge.

8. The right to birth registration and legal identity is further reflected in the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (art. 29) and the Convention on the Rights of Persons with Disabilities (art. 18). In adulthood, birth certificates may be required to obtain formal sector employment, to buy or prove the right to inherit property, to vote and to obtain a passport. Non-registration therefore undermines fulfilment of the rights of all persons, inter alia, to vote (International Covenant on Civil and Political Rights, art. 25), the right to a nationality (Universal Declaration of Human Rights, art. 15) and the right of everyone to be free to

[1] Human Rights Committee general comment No. 17 on the rights of the child, para. 7.

[2] Rachel Hodgkin and Peter Newell, *Implementation Handbook for the Convention on the Rights of the Child* (UNICEF, 2007), p. 97.

leave any country, and not be arbitrarily deprived of the right to enter their own country (International Covenant on Civil and Political Rights, art. 12).

9. The right to birth registration is also addressed in both international refugee law and international humanitarian law,[4] including in the conclusions on international protection of the United Nations High Commissioner for Refugees of 17 October 2013. The conclusions emphasize the importance of birth registration in relation to refugees, asylum seekers and stateless persons, and outline how a lack of civil registration and related documentation makes persons vulnerable to statelessness and associated risks.

10. The obligation for States to ensure that all marriages are registered in an appropriate official register is stipulated in the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages. The obligation to register deaths is implicit in article 12 (2) (a) of the International Covenant on Economic, Social and Cultural Rights, which stipulates that necessary measures to realize the right to health include "reduction of the still-birth rate and of infant mortality", as the information necessary to monitor these mortality rates is available only from a State's register. The obligation to register deaths is also implicit in the realization of other human rights, including rights concerning property, inheritance and social security, and the right to remarry after the death of a spouse.

B. Implementation progress

11. According to the United Nations Children's Fund (UNICEF), the average rate of birth registration has been increasing moderately in recent years, from approximately 58 per cent in 2000 to 65 per cent in 2010.[5] In 2015, 123 countries reported having a birth registration service within a civil registry which was free, continuous or permanent, accessible, universal in coverage, timely and accurate. This reflects an increase from 114 countries in 2014. However, it is of great concern that the births of nearly one fourth of the global population of children under 5 have never been registered.[6] The largest gaps in absolute terms persist in Asia, which accounts for 59 per cent of the global gap, followed by sub-Saharan Africa, which accounts for 37 per cent.[7] Nonetheless, certain countries within South Asia and East and Southern Africa have made significant gains in registration rates in recent years.[8]

12. On the basis of disaggregated data available on birth registration rates worldwide, questions of equality and non-discrimination have become central to the implementation of universal birth registration. Rates of registration continue to vary greatly within and between countries — with the highest reaching 100 per cent, and the lowest merely 5 per cent.[9] In countries where registration rates have improved and reached high levels overall, children from the poorest households are still twice as likely to be unregistered as those from the richest.[10] Moreover, implementation experience reflects that the children who are most marginalized and discriminated against are those who remain unregistered and uncounted. Even when countries reach registration rates as high as 70-90 per cent, it is the

[4] See the Convention on the Reduction of Statelessness, arts. 1-6, and the Geneva Convention relative to the Protection of Civilian Persons in Time of War, art. 50.

[5] UNICEF, Annual Results Report 2015.

[6] http://data.unicef.org/child-protection/birth-registration.html#:sthash.L8LQ0bX1.dpuf.

[7] UNICEF, "Every child's birth right: inequities and trends in birth registration" (New York, 2013), p. 15.

[8] UNICEF, Annual Results Report 2015.

[9] Ibid.

[10] UNICEF, *Progress for Children: Achieving the MDGs with Equity*, No. 9 (September 2010), p. 45.

most vulnerable and marginalized children who are not being registered, including children with disabilities, children from an indigenous minority groups, and children from families who have been displaced, are stateless or have refugee status. For example, a lack of registration persists among children from the Roma community in Central and Eastern Europe and the Commonwealth of Independent States, indigenous children in the Latin American and Caribbean region, and stateless children across regions, such as in Europe and in Africa.[11]

13. There is a dearth of reliable information on global implementation of civil registration aside from birth registration. Nonetheless, on the basis of the available global data in this regard, the United Nations Statistics Division notes substantial overall deficiencies in civil registration systems.[12] One recent assessment based on composite data found that from 2005 to 2009 only 36.2 per cent of total estimated global deaths were registered, and that since 2000 there has been an improvement of approximately only 2 per cent in global rates of death registration.[13] While most countries do gather civil registration information and generate vital statistics, the degree, quality and regularity of this varies greatly. In less developed countries, civil registration systems tend to be weak and comprised of incomplete and unreliable information. Moreover, refugee, stateless and permanently displaced children are rarely captured in surveys or in national population censuses.

III. A human rights approach to monitoring and implementation of obligations

A. Challenges to implementation

14. All children should be registered immediately after birth, or as soon as possible after birth. The fulfilment of the right to birth registration is closely linked to the realization of other rights, including the rights of the child. A birth certificate has further implications throughout the course of life, and may be necessary to obtain a passport and other legal documents, to enrol in education, to marry, to secure inheritance and property rights or to secure formal employment. In some countries, it may be needed to obtain a driver's licence, to open a bank account, to access social security or to obtain insurance or financial credit. Birth registration is also the primary basis for establishing nationality and the rights and responsibilities of citizenship, including the right to vote and to participate in political life. Moreover, non-registration places children at heightened risk of becoming victims of trafficking, or of entering into marriage, the labour market, or the armed forces before the legal age, and unequal access to birth registration exacerbates existing inequalities, discrimination and vulnerability. Yet, the uneven progress towards implementation outlined above reflects the persistence of barriers to the realization of universal birth registration, and the fact that substantial gaps in registration rates within and between countries primarily represent those most marginalized and in situations of vulnerability, who remain invisible from vital statistics.

15. It is important to take account of the barriers contributing to this situation from a human rights perspective. Many countries face difficulties in ensuring access to civil

[11] UNICEF, Annual Results Report 2015.

[12] http://unstats.un.org/unsd/demographic/CRVS/CR_coverage.htm.

[13] Lene Mikkelsen and others, "A global assessment of civil registration and vital statistics systems: monitoring data quality and progress" in *The Lancet*, vol. 386, No. 10001 (3 October 2015), pp. 1395-1406.

registration for geographically remote or otherwise isolated communities. Underdeveloped public transport and infrastructure, the costs of transport, and the time required away from daily work to reach registration facilities are pervasive challenges in this regard. Civil registration costs greatly limit access where fees levied exclude people on the basis of their ability to pay. These may include official fees defined on the part of the State, and fees imposed illegally by registrars. In addition, fines for late birth registration may act as a disincentive to registration or make the costs unaffordable. Where the prerequisite documentation required for registration is excessive or impossible to obtain, this poses a further impediment. Moreover, where laws or penalties are in place to restrict the number of children allowed per family, parents may avoid registering those born over and above the allocated number, for whom discrimination and the human rights risks outlined above are greatly exacerbated.

16. Social accessibility is equally important, and in some contexts people are excluded from registration processes due to their language abilities or literacy levels. A lack of awareness among the general public on the rights and benefits associated with civil registration poses a major obstacle. Parents and communities may view registration as a legal formality of second-order importance in relation to other challenges. This is particularly the case for those living in poverty and situations of vulnerability, and in places where fees are imposed for registration or certification. They may only become aware of the right to register a child when facing related barriers to accessing health or education services. Awareness-raising of the rights and benefits of registering births and other vital events is fundamental to the development of civil registration systems.[14] Children with disabilities are overrepresented among those who are not registered, often due to reluctance on the part of their parents or families to do so. This in turn limits their access to essential services and places them at heightened risk.[15]

17. The registration of refugees and asylum seekers provides important information to State administrations, and ultimately, where appropriate, may facilitate repatriation. However, in some countries there is a lack of political will to register the births and other vital events of refugees and asylum seekers, or children whose parents are not citizens or are not in possession of their own identity documents due to their migration or other status. Discriminatory policies and practices in this regard prevent these children and their families from accessing associated rights and exacerbate their marginalization. Moreover, children in such situations are at risk of being left stateless if they are unable to prove their nationality.

18. Gender discrimination undermines birth registration in countries that allow only men to register a child, or that refuse registration in the absence of the father or both parents. This poses a particular risk for children born out of wedlock or as a result of rape, and for children whose fathers or other male heads of household do not consent to their registration.[16] Some countries do not allow women to confer their nationality on their child; if the father does not acknowledge the child, they are then at risk of being left stateless.

19. Of particular concern are the barriers faced in registering the births of children from non-traditional family arrangements, who may be stigmatized, criminalized or not recognized. These include children born to sex workers, women accused of witchcraft and same-sex couples, along with those born with albinism, to name a few. Due to the acute

[14] UNICEF, "Every child's birth right", p. 20.

[15] See Committee on the Rights of the Child general comment No. 7 (2005), on implementing child rights in early childhood, para. 25.

[16] Plan International, "Mother to child: how discrimination prevents women registering the birth of their child" (March 2012), p. 9.

stigma faced in these contexts, parents often do not disclose the birth of children in order to protect their offspring. Special measures must be put in place to address these real and serious concerns.

20. In situations of armed conflict, natural disaster and other emergencies, civil registration may be disrupted, and existing barriers to registration tend to be exacerbated. Populations may be displaced within or beyond State borders, causing problems with regard to retrieving vital documents and continuing to register vital events. Moreover, civil records may be destroyed due to natural disasters and other emergencies, particularly where civil registration systems are not digitized.

21. The fulfillment of universal birth registration also strongly relies upon its implementation as a part of well-functioning civil registration and vital statistics systems. Civil registration systems officially register vital events, including births, deaths and causes of death, adoptions, marriages and divorces. Well-functioning civil registration and vital statistics systems provide the best source of continuous, reliable and universal national data about the vital events of the population. They are also essential to the fulfilment of core obligations of the State, including the progressive realization of human rights, as vital statistics about the population are necessary for effective planning of development policies and programmes, including public services. Moreover, information from civil registration systems can be crucial to identifying, monitoring and remedying human rights abuses against certain individuals or groups within a country, whereas a lack of data on births and deaths concentrated among specific population groups has resulted in the systematic underestimation of child mortality among these groups.[17]

22. Yet, some countries still do not acknowledge the importance of well-functioning civil registration systems to development. In some cases, civil registration has been used to control the population or as a tool for persecution, seriously affecting public trust in the State. Civil registration laws and procedures are often outdated, failing to reflect the present realities and information needs, and inadequate capacity and resource allocations pose a significant barrier to the development of civil registration systems in many countries. For example, inadequate resources can lead to non-registration due to inadequate registration stationery and supplies. Countries also highlight the capacity challenges of insufficient staffing, inadequately trained staff, deprioritization of registration activities by low-paid officials and problems of fraud and corruption.

B. Priorities to support universal registration

23. Realizing the right to birth registration for all children requires that registration be available and accessible for all. Special measures must be undertaken to ensure access for those children most at risk, marginalized and living in situations of vulnerability, particularly children from minority groups, children with disabilities, children from indigenous communities and stateless children. Effective implementation strategies for achieving universal registration have involved improvements in the enabling environment, including the introduction of laws and policies to support and implement registration within an equitable legal framework, increasing infrastructure for improved registration services and training personnel.[18] Interoperability has been particularly effective in promoting access to civil registration services, whereby such services are provided via existing health or other public service facilities.

[17] Ibid., p. 11.

[18] UNICEF, "A passport to protection: a guide to birth registration programming" (New York, 2013).

24. To realize universal birth registration, unreasonable documentation requirements and all registration fees should be removed, birth certificates should be provided free of charge, and fees or penalties for late registration should be waived. Registration forms and materials should be provided in minority languages and in a comprehensible format. Awareness-raising among children, their parents or guardians, and communities (especially among community leaders) about the rights and benefits associated with birth registration is essential to achieving behaviour change, and parents or guardians should be made aware of their responsibility to register children. Moreover, access to essential services and entitlements should not be conditional on being registered or in possession of a birth certificate.[19]

25. The potential risk to privacy and the obligation of protection from discrimination and harm must be taken into account in determining the information included in a birth certificate. As such, the minimum information should be reflected on the birth certificate, and details that may pose a risk should be omitted, such as those concerning race, ethnicity, religion and parents' marital status. The minimum information that should be recorded in a birth registration is the child's name, gender, and date and place of birth, along with the parents' names and addresses and the parents' citizenship. To prevent discrimination, it should not be mandatory to record the father's name and details.[20]

26. Moreover, States must prioritize the development of well-functioning civil registration systems that provide free and universal recording of vital events among the population. Civil registration should be sustainable, continuous, permanent, compulsory and universal, with records being kept securely by Governments, in a form that cannot easily be destroyed, and which may be retrieved by an individual at any stage of his or her life. The use of new technologies to expand vital event notification has shown promising results, and can mitigate the risk of permanent loss of civil records, which is a risk in the case of emergencies or natural disasters.[21] Sensitive information obtained through birth registration or other civil registration processes that may be used to discriminate against an individual, such as ethnicity, race, religion or other factors relevant in a given context, should be kept confidential by law.

27. The maximum available resources should be allocated for the development of civil registration and vital statistics. While external funding can provide much-needed support, it is crucial that civil registration and vital statistics be developed in a manner that is continuous and permanent, through national ownership and the long-term allocation of public funding.

C. Role of birth registration and vital statistics in the implementation of the Sustainable Development Goals

28. In the 2030 Agenda for Sustainable Development, States emphasized that the Sustainable Development Goals were to be implemented in a manner consistent with

[19] Hodgkin and Newell, Implementation Handbook for the Convention on the Rights of the Child, p. 100; and Committee on the Rights of the Child general comment No. 7, para. 25.

[20] UNICEF, "A passport to protection".

[21] Countries considering the introduction of information and communications technologies to civil registration systems should take account of the relevant core guidelines available. See UNICEF and Inter-American Development Bank, "Toward universal birth registration: a systemic approach to the application of ICT", Mia Harbitz and Kendra Gregson, eds. (2015), and the civil registration and vital statistics digitization guidebook developed under the Africa Programme on Accelerated Improvement of Civil Registration and Vital Statistics Systems partnership initiative (www.crvs-dgb.org).

international law, and called for leaving no one behind and for more systematic monitoring and data collection to help measure progress towards achieving the goals. Global agreement on the Agenda therefore represents an important opportunity to intensify efforts to strengthen universal birth registration and vital statistics development. It will support global efforts in this regard primarily on the basis of target 16.9, in which Governments committed to "by 2030, provide legal identity for all, including birth registration", as well as proposed indicator 17.19.2 under Goal 17 on partnerships, to monitor the proportion of countries having achieved 100 per cent birth registration and 80 per cent death registration.[22]

29. Global data reflect the fact that, while it is possible to bring about substantial overall progress, the remaining unregistered children are frequently those who are most vulnerable and marginalized.[23] A focus on ensuring that no child is left behind, through an emphasis on targeted measures to ensure universal registration of all children, will therefore be crucial to the achievement of target 16.9.

30. The development of comprehensive civil registration systems to gather accurate, timely, disaggregated data is vital to inform decision-making, programming and planning, and therefore to the overall implementation of the 2030 Agenda. Well-functioning civil registration systems are essential to bring about accountability for the implementation of the 2030 Agenda, as they can provide the most reliable basis for monitoring multiple Sustainable Development Goal targets. Disaggregated, reliable vital statistics are also crucial to cast light on disparities in outcomes for specific groups, and can thereby support greater equity and targeting of programmes to ensure that no one is left behind.

31. A number of Sustainable Development Goal targets are particularly dependent on birth registration or the existence of well-functioning civil registration and vital statistics systems. Birth registration and vital statistics are fundamental to the delivery and monitoring of targets under Goal 16, on promoting peaceful and inclusive societies, including to significantly reduce all forms of violence and related death rates everywhere (target 16.1); to end abuse, exploitation, trafficking and violence against and torture of children (target 16.2); to develop effective, accountable and transparent institutions (target 16.6); and to ensure responsive, inclusive, participatory and representative decision-making (target 16.7). They are also essential in relation to the implementation and monitoring of Sustainable Development Goal targets reflecting economic, social and cultural rights. For example, reliable, disaggregated data on mortality and causes of death are necessary to monitor progress towards achieving health-related targets under Goal 3 (maternal and child mortality, addressing communicable and non-communicable diseases, and universal health coverage). The implementation of targets under Goal 1, on ending poverty, and Goal 4, on inclusive and equitable education, is dependent on birth registration in countries where birth certificates and associated identity documents are needed to access public services and benefits.

32. The fulfilment of universal birth registration is further relevant to preventing and reducing risks of statelessness, human trafficking, child and early marriage, and child labour (Goal 5, on gender equality; Goal 8, on decent work and economic growth; and Goal 16), to support the protection and rights of refugees and others affected by disasters, including by documenting links to country of origin, and through provision of information crucial to humanitarian planning and disaster management and response (Goal 11, on cities and human settlements).

[22] See General Assembly resolution 70/1.

[23] UNICEF, Annual Results Report 2015.

33. An integrated approach involving all relevant stakeholders, and incorporating civil registration and vital statistics into relevant global, regional and national development plans, is needed. Partnership cooperation at all levels, as defined under Sustainable Development Goal 17 targets on the means of implementation, is crucial in terms of the technical, capacity and financial support needed to strengthen civil registration and vital statistics.

D. Leaving no one behind: a human rights-based approach to monitoring

34. In order to bring about accountability for delivering on the commitments contained in the 2030 Agenda, particularly leaving no one behind and reaching those furthest behind first, effective strategies for monitoring and data collection need to be in place at all levels. The importance of an approach to monitoring and analysis that reveals the situation of all individuals and groups within a country cannot be overemphasized, to close inequities in outcomes and gaps in data coverage between different groups of the population. In response to the promise that no one will be left behind, and related 2030 Agenda commitments to equality, monitoring and review, there has been a strong drive to improve the availability and quality of data, by way of greater data disaggregation and a "data revolution". This provides a key opportunity to strengthen civil registration and vital statistics as a reliable source of data to reflect the situation of all groups of the population.

35. The commitment to improved and disaggregated data also offers an opportunity to expand a human rights approach to data. However, at the same time, it poses challenges for the protection of human rights. In accordance with international legal obligations, the monitoring and review process should be carried out on the basis of a human rights approach throughout the data collection process, and in relation to data disaggregation. This requires implementation of the core human rights principles and standards identified by OHCHR and partners in this respect, which include: (a) participation, (b) disaggregation, (c) self-identification, (d) transparency, (e) privacy and (f) accountability.[24]

(a) Participation is instrumental to the realization of all components of a human rights-based approach to data, and to retaining trust in official and other relevant data and statistics. All data collection exercises should include means for the free, active and meaningful participation of relevant stakeholders, in particular the most marginalized population groups. Participation should be considered in relation to the entire data collection process, from strategic planning through to data collection, storage, analysis and dissemination. In some contexts, to ensure the protection of groups who may be uncomfortable or threatened by the data collection, civil society organizations, national human rights institutions and other relevant stakeholders should participate insofar as they are competent to represent the groups' interests;

(b) Data disaggregation is a human rights obligation, a commitment in the 2030 Agenda and a need that is recognized in national statistics systems. It is essential to reveal and enable assessment of inequality and discrimination. A human rights approach in this regard requires focusing on the most disadvantaged or marginalized groups, and on inequalities within the population. Capacities and partnerships should be developed to support States in collecting and publishing data disaggregated by grounds of discrimination recognized in international human rights law, which include sex, age, ethnicity, migration or displacement status, disability, religion, civil status, income, sexual orientation and gender identity. Data disaggregation is not a value-neutral exercise, and the associated risks must be addressed. A human rights approach requires that efforts to improve the quality and

[24] These principles are further elaborated in OHCHR, "A human rights-based approach to data".

use of disaggregated data be consistent with the protection of the right to privacy. A participatory approach and the principle of self-identification can help improve response rates among "hard-to-count" or marginalized populations, and is particularly relevant for those who are discriminated against or excluded from traditional household surveys or administrative records (e.g. homeless persons or migrants). In some contexts, civil society organizations and service providers are best placed to reach these populations and collect data. Decisions concerning collection of data on particularly vulnerable or marginalized groups, including, "legally" invisible groups, for instance, should be made in close partnership or consultation with the group concerned to mitigate associated risks. The registration of children immediately after birth has an impact on the statistical system's capacity to disaggregate data, and is instrumental for the accuracy of vital statistics and the sampling design of surveys;

(c) Self-identification is an essential principle in relation to the identity of an individual or population group, relevant to data collection and the categorization of populations in statistics. Respect for and protection of personal identity is central to human dignity and human rights, and the overriding principle of doing no harm must be respected. Whether it is necessary to include personal identity issues in data collection exercises should be carefully assessed. Data collection exercises should not create or reinforce discrimination, bias or stereotypes against population groups, and any objections by these populations must be taken seriously by data producers. When a survey includes questions on personal identity, those conducting interviews should receive gender and cultural awareness training, including on possible issues of historical legacy;

(d) Transparency, or the "right to information", is central to realization of freedom of expression as specified in international human rights treaties, and plays a key role in a democratic society and in the population's entitlement to public information.[25] Access to information on inequality among population groups is also important for civil society and other stakeholder groups to monitor the realization of human rights more generally. Fulfilment of the right to information in the production of statistics means that civil society organizations should be able to publish and analyse statistics without fear of reprisal, and should also seek to comply with international human rights and statistical standards for their own data collection, storage and dissemination of statistical information;

(e) The right to privacy and data protection should be balanced with that of access to information. Increased use of big data and demand for data disaggregation present a challenge to the protection of these rights, as acknowledged in the call for a data revolution.[26] Personal data, including but not limited to data on ethnicity, sexual orientation, gender identity or health status, should be handled only with the express consent of the individual concerned. Data collected to produce statistical information must be strictly confidential, used exclusively for statistical purposes and regulated by law, in accordance with the International Covenant on Civil and Political Rights. Data should not be published or publicly accessible in a manner that permits identification of individual data subjects, either directly or indirectly, and should be secured against both natural and human dangers;

(f) In the context of the human rights approach to data, accountability refers to data collection for accountability, as well as accountability in data collection. As State institutions, national statistical offices are human rights duty-bearers with an obligation to respect, protect and fulfil human rights in their daily exercise of statistical activities.

[25] As outlined in the Fundamental Principles of Official Statistics.

[26] See "A world that counts", report prepared by the Independent Expert Advisory Group on a Data Revolution for Sustainable Development (2014). Available from www.undatarevolution.org/wp-content/uploads/2014/11/A-World-That-Counts.pdf.

Independent statistics, free from political interference, are fundamental tools to inform and hold those in power accountable for their policy action (or inaction) through measuring their impact on the protection and realization of human rights. Appropriately anonymized microdata, including relevant and disaggregated indicators, should be made publicly available to stakeholders to facilitate accountability.

IV. Stock-taking of relevant activities undertaken by the Office of the United Nations High Commissioner for Human Rights and partners

36. The activities of OHCHR in relation to birth registration and vital statistics development have primarily been undertaken as part of its strategic priority to strengthen the integration of human rights in the formulation and monitoring of the 2030 Agenda for Sustainable Development. In this context, OHCHR has undertaken activities in three core areas contributing to the strengthening of global policies and programmes addressing universal birth registration and vital statistics development: (a) the development of global guidelines on a human rights-based approach to data and monitoring to ensure that no one is left behind in the implementation of the Sustainable Development Goals; (b) contributions to the 2030 Agenda for Sustainable Development goals, targets and indicators; and (c) partnership activities relevant to the strengthening of birth registration and vital statistics.

A. Global guidelines on a human rights-based approach to data and monitoring

37. OHCHR has supported uptake of global norms on a human rights-based approach to data and monitoring through the development of a guidance note on a human rights-based approach to data,[17] recognized by chief statisticians from several countries, United Nations agencies and civil society organizations as useful in the work on data collection and disaggregation for the Sustainable Development Goals, and deemed consistent with the Fundamental Principles of Official Statistics. Moreover, the normative approach reflected in the guidance note serves as an essential basis for supporting a human rights approach to birth registration and vital statistics.

38. Extensive engagement has also been undertaken with partners to expand uptake of a human rights approach to data. For example, OHCHR organized a side event entitled "Leaving no one behind: how human rights guidance can help solve the Sustainable Development Goal data disaggregation puzzle" on 9 March 2016, which was attended by 35 representatives of United Nations agencies, non-governmental organizations, national statistical offices and missions.[18] A human rights approach to data was further highlighted through OHCHR participation in the events held in observance of World Statistics Day in October 2015. In addition, public engagement was undertaken to strengthen awareness of a human rights approach to data among civil society and other stakeholders, through online communications and several further events on the topic.[19] The guidance note mentioned above has also been included in the United Nations portal on human rights-based

[17] See OHCHR, "A human rights-based approach to data", guidance note (2016). Available from www.ohchr.org/Documents/Issues/HRIndicators/GuidanceNoteonApproachtoData.pdf.

[18] For more information, see www.ohchr.org/EN/NewsEvents/Pages/DataForSustainableDevelopment.aspx.

[19] For more information, see www.ohchr.org/EN/NewsEvents/Pages/WorldStatisticsDay2015.aspx.

approaches to programming, which supports United Nations practitioners on such approaches.[10]

39. Through OHCHR technical work and engagement with stakeholders on the importance of human rights in monitoring and data management, this approach has gained increasing support from national and international stakeholders, including statistical organizations, national human rights institutions and civil society. This is reflected, for example, in the Merida Declaration on the role of national human rights institutions in implementing the 2030 Agenda for Sustainable Development, adopted in October 2015 by the Twelfth International Conference of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, and in outcomes of key events of the statistical community to which OHCHR provided contributions, including the meeting of the Conference of European Statisticians in Geneva; the meeting of the World Statistics Congress in Rio de Janeiro, Brazil; the session of the United Nations Statistical Commission held in New York; and the meetings of the Inter-Agency and Expert Group on Sustainable Development Goal Indicators in New York and Bangkok.

40. OHCHR has engaged in related milestones in the process of defining the 2030 Agenda, including the 2014 report of the Secretary-General's Independent Expert Advisory Group on a Data Revolution for Sustainable Development, which called for a data revolution grounded in human rights to monitor implementation of the 2030 Agenda. In addition, OHCHR has received and responded to numerous requests from statistical offices on capacity-building in human rights-based approaches to data for monitoring progress towards achieving the Sustainable Development Goal targets.

B. Contributions to Sustainable Development Goals, targets and indicators

Sustainable Development Goals and targets

41. OHCHR provided substantive input on the development of Sustainable Development Goals and targets from early on in the process of defining the 2030 Agenda. In this respect, OHCHR has engaged with United Nations agencies, civil society and Governments to help define substantive priorities to address civil and political rights, including the parameters of Goal 16 and target 16.9, on birth registration and legal identity. OHCHR support for the elaboration of Goal 16 targets focused on strengthening their alignment with civil and political rights encompassing personal security, fundamental freedoms and accountability. This involved technical inputs on the inclusion of the right to legal identity through birth registration, as reflected in the 2013 joint publication by OHCHR and the Center for Economic, Social and Cultural Rights entitled *Who Will be Accountable?*. In that report, the need for a target addressing birth registration was clearly identified, on the basis that a birth certificate was the official record of an individual's existence and his or her recognition as a person before the law.[11]

42. In 2013, in partnership with the United Nations Development Programme (UNDP), OHCHR conducted global and regional thematic consultations on governance, with the input of all stakeholders, to further define how this theme could be effectively integrated into the Sustainable Development Goal framework.[12] Among others, OHCHR served as a member of the advisory group for the global consultations on addressing inequalities that

[10] http://hrbaportal.org/resources/a-human-rights-based-approach-to-data-leaving-no-one-behind-in-the-2030-development-agenda

[11] OHCHR and Center for Economic, Social and Cultural Rights, *Who Will be Accountable?* (2013), pp. 85-90. Available from www.ohchr.org/Documents/Publications/WhoWillBeAccountable.pdf

[12] www.worldwewant2030.org/governance

was co-led by UNICEF and the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), contributing to increased understanding of equality as a fundamental human right and non-discrimination issue.[13]

43. Subsequently, OHCHR continued to provide contributions throughout the process to define the 2030 Agenda via the United Nations Technical Support Team, to ensure that a human rights approach was reflected in Goal 16 targets, and that a target on providing universal legal identity through birth registration was included. During the negotiation process, OHCHR provided support for the drafting of the Sustainable Development Goals, and technical input was supplied, where requested, to support member State positions on the draft agreement. OHCHR also engaged in further collaboration with civil society, the United Nations system and other partners on the substance of Goal 16, for example through the Virtual Network on Indicators for Sustainable Development Goal 16, led by UNDP, and the Praia Group on Governance Statistics under the auspices of the United Nations Statistical Commission.

Indicators

44. OHCHR has worked to support the development of Sustainable Development Goal indicators that incorporate key human rights considerations, and to ensure the inclusion of indicators to support the realization of universal legal identity. OHCHR develops policy and practical guidance, provides technical advice and conducts training activities on human rights indicators, to support national and international stakeholders in measuring and monitoring the implementation of human rights standards. OHCHR has also participated consistently in the work of the international statistical community to develop indicators for monitoring the Sustainable Development Goals, with a view to strengthening human rights approaches to measurement using statistical methods and tools.

45. The input of OHCHR to the development of indicators to monitor progress under Goal 16 targets has been extensive. For example, OHCHR proposed the inclusion of an indicator on monitoring target 16.9 to the United Nations Technical Support Team, the head of chief statisticians of the United Nations system, and the Virtual Network on Indicators for Sustainable Development Goal 16, and in the global list of indicators compiled by the Inter-Agency and Expert Group on Sustainable Development Goal Indicators.[14] This indicator (16.9.1) on the "proportion of children under 5 years of age whose births have been registered with a civil authority, by age", has now been included in the global list of indicators endorsed by the United Nations Statistical Commission.[15] OHCHR subsequently prepared metadata for this indicator in consultation with national statistics offices, United Nations agencies, civil society organizations and other relevant stakeholders.

46. As part of its efforts to integrate human rights considerations into the list of indicators agreed to monitor progress on the Sustainable Development Goals, OHCHR has undertaken substantial engagement with the United Nations Statistical Commission and with the wider statistical community, for example, by participating in the 2016 session of the Statistical Commission, which involved chief statisticians from member States, and through its membership on the steering committee of the Praia Group on Governance Statistics, a key forum through which to advance indicators related to governance and indicators related to monitoring target 16.9, on birth registration. The substantive input of OHCHR during the processes to define the 2030 Agenda goals, targets and indicators, as

[13] www.worldwewant2030.org/inequalities.

[14] See E/CN.3/2016/2/Rev.1, annex IV.

[15] The Statistical Commission, in its decision 47/101, agreed with this list of indicators as a practical starting point, subject to future technical refinement. See E/2016/24-E/CN.3/2016/34, chap. I.B.

outlined above, has been crucial to strengthening global norms on the importance of the right to legal identity and to birth registration, as well as their eventual inclusion in the Sustainable Development Goal targets and indicators framework.[36]

C. Partnership activities

47. United Nations, regional and civil society partners have made important contributions to strengthen birth registration and vital statistics, taking into account human rights considerations, both in collaboration with and independently of OHCHR. The United Nations Statistics Division, UNICEF, the World Health Organization and the United Nations Population Fund (UNFPA) undertake extensive activities related to the development of civil registration and vital statistics worldwide. These include a range of global, regional and national activities, for example, in the form of knowledge management, the development of standards and methods, monitoring and technical reports on the status of civil registration and vital statistics, and expert group meetings and workshops. UNICEF carries out comprehensive country programmes to support universal birth registration, with a focus on strengthening coverage of the most vulnerable and marginalized children. It works extensively with Governments in this regard to improve legal frameworks, enhance interministerial cooperation, build human capacity and infrastructure, and encourage innovation and development of information and communications technologies for improved civil registration and vital statistics.

48. Working in partnership with international and regional organizations through the Global Civil Registration and Vital Statistics Group, United Nations agencies seek to strengthen international cooperation and alliances for civil registration and vital statistics development in recognition of their value to human rights, good governance, and development planning, monitoring and evaluation.[37] Among various activities in this regard, United Nations agencies are working in collaboration with partner countries and stakeholders on the Global Financing Facility to accelerate progress in maternal and child health, which specifically addresses the implementation of civil registration, including through intersectoral and inter-agency contributions to regional initiatives. Key regional initiatives have included the Africa Programme on Accelerated Improvement of Civil Registration and Vital Statistics, and the Regional Strategic Plan for the Improvement of Civil Registration and Vital Statistics in Asia and the Pacific. These initiatives have facilitated the engagement of a broad range of stakeholders in the development pf civil registration and vital statistics, in partnership with the Economic and Social Commission for Asia and the Pacific and the Economic Commission for Africa.

49. Alongside OHCHR, UNICEF, UNFPA and other agencies have made important contributions to the work of the Inter-Agency and Expert Group on Sustainable Development Goal Indicators in developing indicators for measuring progress on Sustainable Development Goal target 16.9, on legal identity through birth registration. Going forward, UNICEF will lead the compilation of data for monitoring the associated indicator 16.9.1,[38] and will continue to maintain a global database on birth registration for children under 5, using both civil registration and vital statistics and household survey data.

50. A number of non-governmental organizations are also undertaking valuable initiatives as part of global efforts to strengthen civil registration and vital statistics. As one

[36] https://sustainabledevelopment.un.org/post2015/transformingourworld

[37] http://unstats.un.org/unsd/demographic/crvs/globalcrvs.htm

[38] Proportion of children under the age of 5 whose births are reported as being registered with the relevant national civil authorities.

notable example. Plan International recently published an assessment of the child rights implications of non-registration,[39] and has birth registration programmes in a total of 34 country offices, including several digital birth registration programmes. Plan International is also a core member of the Africa Programme on Accelerated Improvement of Civil Registration and Vital Statistics partnership initiative, and led the partnership in its development of a civil registration and vital statistics digitization guidebook.[40] Further to this, Plan International provides guidance to identify and address risks to children in digitized birth registration systems, and is a member of the regional steering group for civil registration and vital statistics in Asia and the Pacific.

51. In order to support relevant work by partners and civil society, OHCHR has undertaken a broad range of communications, public engagement and outreach activities. For example, it has published interactive dashboards and world maps online to increase the visibility of the ratification of human rights obligations, and initiated programmes to strengthen the capacity of national stakeholders to make use of human rights indicators.[41] In order to strengthen the capacity of United Nations country teams to use human rights indicators, a joint policy statement and guidance were issued in partnership with the United Nations Development Group. Further to this, in 2015 OHCHR trained approximately 400 representatives of Governments, national human rights institutions, statistical organizations, civil society organizations, and United Nations and other international organizations on the development and use of human rights indicators.

V. Conclusions and recommendations

52. **All children have a right to birth registration, which should be fulfilled through the development of comprehensive, well-functioning systems for civil registration and vital statistics. This is essential for the realization and monitoring of associated human rights, as well as commitments under the 2030 Agenda for Sustainable Development. Yet, millions of people continue to be born and die without leaving a trace in civil registration systems, and therefore remain uncounted in vital statistics and invisible in development strategies.**

53. **The implementation of birth registration is varied and characterized by disparities between regions and population groups. There is concerning evidence that those who are unregistered continue to be children from the most marginalized population groups, and those living in situations of vulnerability. The registration of deaths is even further behind, in spite of its importance for monitoring the realization of human rights and progress towards achieving the Sustainable Development Goals.**

54. **In order to strengthen global efforts to achieve universal birth registration and vital statistics development, a human rights approach to implementation and monitoring is essential. This requires the prioritization of strategies to achieve universality and non-discrimination in the implementation of civil registration programmes, and a human rights approach to data and monitoring. The present report identifies the following recommendations in these areas:**

(a) **Birth registration, certification and the registration of other vital events must be made accessible to all, without discrimination of any kind, through special**

[39] Kara Apland and others, "Birth registration and children's rights: a complex story" (Plan International, 2014).

[40] www.crvs-dgb.org.

[41] http://indicators.ohchr.org.

measures to reach the poorest, most geographically or otherwise isolated and most marginalized groups of the population;

(b) Specific measures in this respect should include the removal of registration fees, penalties for late registration and unreasonable documentation requirements, and efforts to make registration documents comprehensible and available in minority and local languages;

(c) Awareness-raising on the rights, benefits and responsibilities of civil registration is crucial to expanding registration rates. Interoperability, whereby civil registration services are provided via existing health or other services, has demonstrably supported access. Access to services and other entitlements should not be conditional on being registered or in possession of a birth certificate;

(d) It is essential that civil registration processes be designed with a view to ensuring non-discrimination and safeguarding against potential human rights risks, including risks to the right to privacy. Minimal information should be recorded on birth certificates, and any information obtained through civil registration processes that may lead to discrimination against an individual should be kept confidential by law;

(e) The commitment to improved and disaggregated data in the 2030 Agenda for Sustainable Development offers an opportunity to expand a human rights approach to data, yet at the same time it poses challenges for the protection of human rights. The Sustainable Development Goal monitoring and review process should be carried out on the basis of core human rights principles and standards throughout the data collection process, and in relation to data disaggregation.